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August 6, 2008

**BY ELECTRONIC MAIL**

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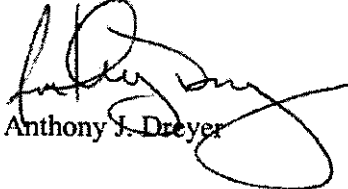
08 Civ. 5336 (CS)

RE: Vaccariello v. XM Satellite Radio Inc.

Dear Lester:

We received notice today from Ms. Alice Cama, deputy to the Honorable Cathy Seibel, that the Vaccariello v. XM Satellite Radio Inc. lawsuit has been re-assigned to Judge Seibel. Ms. Cama also informed us that XM's motion to dismiss will be marked submitted as of September 23, 2008, with no appearance or argument, although either party is free to request oral argument if there are compelling reasons to do so. The pre-trial conference has been adjourned pending the outcome of XM's motion.

Sincerely,

  
Anthony J. Dreyer

cc: Ms. Alice Cama (by U.S. Mail)